

Amy Tarce

From: Amy Tarce
Sent: Thursday, May 9, 2019 12:13 PM
To: 'Karen Walter'
Cc: Tom W. Hardy; Cathy Beam
Subject: RE: Proctor Willows, LAND-2019-00349, Notice of Application

Thank you, Karen. I will forward your comments to the applicant and we will take this into consideration in our review of the project's compliance to the City's Critical Areas regulations.

Amy Tarce, AICP
Senior Planner

From: Karen Walter <KWalter@muckleshoot.nsn.us>
Sent: Thursday, May 9, 2019 11:25 AM
To: Amy Tarce <atarce@redmond.gov>
Subject: Proctor Willows, LAND-2019-00349, Notice of Application

External Email Warning! Use caution before clicking links or opening attachments.

Amy,

We received a copy of the Notice of Application for the Proctor Williams project referenced above. We reviewed this and other available information on the City's website. We offer the following comments in the interest of protecting and restoring the Tribe's treaty-protected fisheries resources:

Stream 1 and 2 classification

Streams 1 and 2 both meet the physical criteria from WAC 222-16-031 for presumed fish habitat (see Cedarock Report appendix D to Critical Areas Report). Salmonids are currently obstructed from reaching Streams 1 and 2 because of downstream artificial barriers described in the Critical Areas Report. There were no documented natural barriers on the stream or areas downstream. Consequently, based on the Cedarock data provided that demonstrates meeting the physical criteria from the WAC for presumed fish habitat, the project needs to consider this stream as a potential fish-bearing stream under Redmond's code and evaluate its potential impacts accordingly.

Project impact comments

The project impact reassessment will likely result in larger regulated stream buffers. If so, then there may need to be modifications to the proposed project design. If there is a need for offsite stream buffer mitigation, then there are streams in Redmond where offsite mitigation could occur.

The mandated road frontage elements along Willows Road could provide an opportunity to improve salmon access to the site by modifying existing pipe sections and/or the "ditched" stream conditions which created a barrier per the Cedarock Report.

We appreciate the opportunity to review this proposal and look forward to Redmond's responses.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division
Habitat Program
39015-A 172nd Ave SE
Auburn, WA 98092
253-876-3116

From: Gloria Meerscheidt [<mailto:GMeerscheidt@REDMOND.GOV>]

Sent: Monday, April 22, 2019 3:58 PM

To: Adam; andy.swayne@pse.com; Chris Jenkins; Dan Sokol; dbeadle@ci.sammamish.wa.us; Elaine Somers; Elizabeth.Elliott@kingcounty.gov; Erika Harris; Fisheries Fileroom; fmiller@lwsd.org; genick@tulaliptribes-nsn.gov; Gretchen.Kaehler@dahp.wa.gov; Heidi Bedwell; Jennifer Meisner; John Greene; Johnson Meninick; Jon Regala; Karen Walter; Kate Valdez; klyste@stillaguamish.com; Laura Murphy; Mark.Wilgus@kingcounty.gov; mattb@snoqualmtribe.us; Miles Penk; Peter Rosen; Philippe D. LeTourneau; Puget Sound Clean Air Agency; Ramin Pazooki; robert.nunnenkamp@kingcounty.gov; rrod; ryoung@tulaliptribes-nsn.gov; sepacenter@dnr.wa.gov; sepadesk@dfw.wa.gov; sepaunit@ecy.wa.gov; Steve Mullen-Moses; Steve.Bottheim@kingcounty.gov; Steven Mullen-Moses; Teresa Smith; tina.morehead@kingcounty.gov; tlavender2@frontier.com; tmcgruder@gmail.com; Todd Scott; Tom Hinman-citizen; wendy klahr

Cc: Gloria Meerscheidt; Amy Tarce

Subject: Courtesy email from City of Redmond regarding Notice of Application with future SEPA - Proctor Willows

Hello SEPA Reviewers,

You are receiving the attached Notice of Application as a courtesy. In the near future, the City will be issuing a SEPA threshold determination, which you will receive as part of the City's standard electronic SEPA notification process.

Project name and number: Proctor Willows, LAND-2019-00349

Please direct any questions to the assigned planner:

- Amy Tarce
- atarce@redmond.gov
- 425-556-2938



Gloria Meerscheidt

Administrative Assistant Planning and Community Development | City of Redmond

☎: 425.556.2407 | ✉: gmeerscheidt@redmond.gov | Redmond.gov

MS: 2SPL | 15670 NE 85th St | Redmond, WA 98052

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Benjamin Sticka

From: Karen Walter <KWalter@muckleshoot.nsn.us>
Sent: Thursday, September 12, 2019 3:52 PM
To: Benjamin Sticka
Subject: FW: City of Redmond SEPA-2019-00807 Proctor Willows
Attachments: SEPA201900807.pdf; RE: Proctor Willows, LAND-2019-00349, Notice of Application

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Ben,

We previously commented on the NOA for this project (see attached email) and did not receive responses. We would appreciate timely written responses to these issues and may have further comments subsequently.

We also request to be made a party of record.

Please advise.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

*Muckleshoot Indian Tribe Fisheries Division
Habitat Program
39015-A 172nd Ave SE
Auburn, WA 98092
253-876-3116*

From: Gloria Meerscheidt [mailto:GMeerscheidt@REDMOND.GOV]
Sent: Wednesday, August 28, 2019 2:55 PM
To: Adam; andy.swayne@pse.com; Chris Jenkins; Dan Sokol; dbeadle@ci.sammamish.wa.us; Elaine Somers; Elizabeth.Elliott@kingcounty.gov; Erika Harris; Fisheries Fileroom; fmiller@lwsd.org; genick@tulaliptribes-nsn.gov; Gretchen.Kaehler@dahp.wa.gov; Heidi Bedwell; Jennifer Meisner; Jil Nogi; John Greene; Johnson Meninick; Jon Regala; Karen Walter; Kate Valdez; klyste@stillaguamish.com; Laura Murphy; Mark.Wilgus@kingcounty.gov; mattb@snoqualmietribe.us; Miles Penk; Peter Rosen; Philippe D. LeTourneau; Puget Sound Clean Air Agency; Ramin Pazooki; robert.nunnenkamp@kingcounty.gov; rrod; ryoung@tulaliptribes-nsn.gov; sepacenter@dnr.wa.gov; sepadahp; sepadesk@dfw.wa.gov; sepaunit@ecy.wa.gov; Stephanie Jolivet; Steve Mullen-Moses; Steve.Bottheim@kingcounty.gov; Steven Mullen-Moses; Teresa Smith; tina.morehead@kingcounty.gov; tlavender2@frontier.com; tmcgruder@gmail.com; Todd Scott; Tom Hinman-citizen; wendy klahr
Cc: Gloria Meerscheidt; Benjamin Sticka; Bonnie Geers
Subject: City of Redmond SEPA-2019-00807 Proctor Willows

Hello SEPA Reviewers,

Attached is a SEPA notification for Proctor Willows.

To review the environment documents related to this project, click the link below.

<https://www.redmond.gov/1210/Proctor-Willows>

If you have any questions, please contact the assigned planner.
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Benjamin Sticka

MEMORANDUM

TO:	Ben Sticka, City of Redmond
FROM:	Quadrant Homes
DATE:	September 16, 2019
RE:	Proctor Willows, Response to Muckleshoot Tribe Stream Comments

This memorandum responds to the May 9, 2019 email comments from the Muckleshoot Tribe related to the classification of Streams 1 and 2 on the Proctor Willows property, site of a proposed mixed-use development at the southwest corner of the intersection of NE 124th Street and Willows Road NE. This response supplements Quadrant's response to the City's Natural Resources comments, submitted on July 11, 2019.

1. Stream 1 and 2 classification

Comment: Streams 1 and 2 both meet the physical criteria from WAC 222-16-031 for presumed fish habitat (see Cedarock Report appendix D to Critical Areas Report). Salmonids are currently obstructed from reaching Streams 1 and 2 because of downstream artificial barriers described in the Critical Areas Report. There were no documented natural barriers on the stream or areas downstream. Consequently, based on the Cedarock data provided that demonstrates meeting the physical criteria from the WAC for presumed fish habitat, the project needs to consider this stream as a potential fish-bearing stream under Redmond's code and evaluate its potential impacts accordingly.

Response:

Extensive site-specific data confirms that the on-site streams are "Class IV" streams under the Redmond Zoning Code ("RZC"). The streams have no potential to support fish as a result of their low flows and shallow depth. The artificial barriers and uncontrolled stormwater runoff from the adjacent site pose additional impediments, but even if those issues were removed/resolved, there would still be insufficient habitat to support fish.

Stream 2 is an ephemeral stream that averages less than 15 percent in grade, has a channel width of less than 2' at ordinary high water mark and does not meet the physical characteristics of a watercourse that could potentially offer fish habitat due to high grade (8.4%), very shallow depths, and lack of any refuge habitat. *Stream Habitat Report*, p. 12. Stream 1 nominally meets the physical characteristics, but it is fed via culvert from upgradient parking areas and experiences high flows, which lead to flushing during storm events. These factors result in an

artificially exaggerated bankfull width due to significant upstream development influences (extensive land clearing and undetained impervious surface runoff). The channel upstream provides very little, if any, usable fish habitat. No fish have been observed in the larger, deeper watercourses downstream of the site, indicating there is no demand to move upstream. Given these factors, there is no evidence to support a finding that the site has potential for fish use.

In addition, WAC 222-16-031(3)(b)(i)(B) has not been adopted into City Code, and the RZC does not authorize its use in determining stream type. However, even if the WAC had been adopted, it establishes a presumption for fish presence, not potential for fish use, which is the relevant criterion under the RZC. Finally, it is not appropriate to rely on the WAC presumption criteria where as here, the bankfull widths were artificially created due to extensive land clearing and, particularly with respect to Stream 1, uncontrolled stormwater runoff. In the absence of these artificial conditions, neither stream would meet the presumption criteria. More detail supporting this stream classification is outlined below.

Quadrant's consultant team, including Carl Hadley from Cedarock Consultants, Inc. and Scott Brainard from Wetland Resources, have conducted several site visits, most recently on May 31, 2019. Mr. Hadley has reviewed extensive studies performed on the on-site and downslope streams prepared by King County, Washington Trout (now Wild Fish Conservancy), the Muckleshoot Tribe, and Washington State Department of Fish and Wildlife ("WDFW"). They have also reviewed the RZC and WAC 222-16-031.

The RZC defines Class III streams as those that have "non-salmonid fish use or the potential for non-salmonid fish use" or are "headwater streams with a surface water connection to salmon-bearing or potentially salmon-bearing streams (Class I or II)." RZC 21.64.020.A.2.d.iii. The on-site streams do not meet either of these definitions. They do not have potential for fish use, they are not "headwaters" as defined in RZC 20A.20.080, and they have no direct connection to Class I or II streams. The on-site streams drain into a series of ditches and the City's stormwater system before connecting to a Class III stream segment, before ultimately connecting to a Class II stream and draining into the Sammamish River.

As previously noted, the streams do not have the "potential" for fish use. As consistently reported in the literature, no fish have been observed within 1,600 feet downstream of the site during three independent stream surveys by groups who specialize in locating fish populations in Pacific Northwest streams (Washington Trout, Muckleshoot Tribe, King County). The absence of fish cannot be solely attributed to the blocking culvert located on Willows Road NE, southeast of the project site. If the absence of fish were solely attributable to the blocking culvert, fish would be present in the larger, deeper watercourses downstream of the site and attempting to reach the blocking culvert. To the contrary, no fish have been observed anywhere near the culvert.

The on-site channels provide very little, if any, usable fish habitat, primarily because of their normally low flows and shallow depth. Both on-site channels, but particularly Stream 1, have artificially exaggerated bankfull widths due to upstream development influences—specifically,

extensive land clearing and undetained impervious surface runoff. Although WAC 222-16-031 might suggest that fish use could occur, the facts as observed by numerous independent professional fisheries biologists in the field contradict and override these guidelines (and as explained below, the City has not adopted the WAC). “Potential” means “likely.” Based on the extensive historical data and recent on-site observations, there is no data to support a conclusion that non-salmonid use of the subject streams is likely.

Second, the streams are not “headwater streams with a surface water connection to Class I or II streams.” See RZC 21.64.020.A.2.d.iii. The RZC defines a “headwater” as “a stream that is in the uppermost regions of a watershed or catchment area.” RZC 20A.20.080. The on-site streams are located at the lower elevations in the Sammamish River Valley just above the floodplain. Stream 1 ranges between elevation 44 and 115 feet MSL. Stream 2 ranges between elevations 113 and 117 MSL. In contrast, “the top of the watershed where headwater streams are located is between elevations 335 and 385.” *Stream Habitat Report*, p. 1. Accordingly, the Stream Habitat Report concludes that “the subject watercourse is not located within a headwater area being located just above the floodplain in the lower third of the watershed based on elevation.” The RZC definition is clear, as is the data. The streams do not meet the definition of “headwater” under the RZC.

Given the fact that the streams cannot qualify as “headwaters,” it is not necessary to address whether these streams have a surface water connection to Class I and II streams (the second clause of RZC 21.64.020.A.2.d.iii.B). Nevertheless, the streams do not meet that criterion either. There is no direct surface water connection between the on-site streams and Class I or II Streams. Stream 1 is fed via a culvert from upgradient parking areas. *Stream Habitat Report*, p 12; *Talasaesa Report*, Figure 7. Stream 1 terminates in a ditch on the west side of Willows Road, which then drains into the City’s stormwater system. The stormwater system drains into another ditch located between the road and the railroad grade. From there, the water is piped across the railroad grade and then drops to the valley floor. The on-site streams do not connect with Class I or II streams; they connect with an unnamed Class III stream off-site, where no fish have ever been observed.

The WAC guidance does not affect this analysis. WAC 222-16-031 is an “Interim water typing system” that establishes “presumption criteria” to be used “if fish use has not been determined.” See WAC 222-16-031(3)(b)(emphasis added). In other words, the agencies developed this guidance for use *in the absence of stream-specific data*. But where, as here, there is ample site-specific data, the WACs direct that the site-specific data controls. There is no need to apply presumption criteria. Here, the data confirms no current or potential use of the on-site streams by fish. Even if the WAC were applicable here, use of the “bankfull width” presumption criteria would not be appropriate because the current bankfull widths were artificially created as a result of uncontrolled runoff and exaggerated peak flows being dumped onto the channel, particularly with respect to Stream 1. In the absence of these artificial conditions, the channels would not meet the presumption criteria in the WAC.

Finally, we acknowledge that the barrier culverts under Willows Road NE are man-made barriers that could be removed in the future. Again, the Class IV stream determination is not based on those man-made barriers. Instead, it is based on the fact that the on-site streams have no potential for fish use (due to poor habitat, shallow depth, and periodic flushing/high flows caused by uncontrolled stormwater runoff on adjacent property), and they are not headwaters connected to a Class I or II stream. The upstream fish migration barrier system is long and complex, but if it were to be removed in the future, Quadrant is proposing voluntary mitigation in the form of enhancement (and a larger buffer than required for Class IV streams) that will improve habitat conditions. In the unlikely event that fish reach the site at some point in the future, Quadrant's proposal will result in improved habitat.

2. Project impact comments

Comment: The project impact reassessment will likely result in larger regulated stream buffers. If so, then there may need to be modifications to the proposed project design. If there is a need for offsite stream buffer mitigation, then there are streams in Redmond where offsite mitigation could occur.

The mandated road frontage elements along Willows Road could provide an opportunity to improve salmon access to the site by modifying existing pipe sections and/or the "ditched" stream conditions which created a barrier per the Cedarock Report.

Response:

As explained above, the on-site streams do not meet the RZC definition for a Class III stream. Nevertheless, buffers larger than required for Class IV are proposed. Shading, both topographic and vegetative, is near 100 percent under existing conditions. As no development is proposed to the south or east, shade characteristics will continue unchanged under proposed conditions. These buffers, along with enhancements being proposed, will protect shading while improving other characteristics of the buffer (e.g. wildlife habitat, nutrient supply, LWD recruitment, etc.). The voluntary mitigation would improve habitat on the site.